



October 27, 2016

CERTIFIED MAIL: 7005 1820 0000 3674 8034
RETURN RECEIPT REQUESTED

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-2-1-10459

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RETURN RECEIPT REQUESTED

Director, Air Enforcement Division
Office of Civil Enforcement
U.S. EPA Headquarters, MC 2242A
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

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Chief, Air and TRI Section
Enforcement Division
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Consent Decree No. CV-15-02206-PHX-DLR – Notification of Emission Limit Exceedance

To whom it may concern:

A Reference Test Method 5B particulate test was conducted on the Acid Plant tail gas duct on Sept 19, 2016. Asarco received the results of the test on October 26, 2016. The 3-run average was 14.26 mg/dscm, above the 6.2 mg/dscm provided for in the Consent Decree (Paragraph 16).

Prior Method 5B testing shows that the tail gas particulate averages about half the standard. The continuous opacity measurement on the tail gas duct was normal, not indicating a high particulate condition. Asarco is uncertain of the performance test

results, and therefore has requested that its testing contractor check their test parameters and calculations for this performance test. Asarco has also scheduled a re-test for the week of November 28, 2016. The repeat testing will occur within the 365 days of the Effective Date as provided in Paragraph 16.

Asarco will commence an 18-day maintenance outage of the Hayden Smelter beginning November 4, 2016. All components that could possibly contribute to a higher than usual particulate loading in the tail gas will be inspected during the outage and repaired if necessary. Asarco will communicate the results of the inspections and repeat performance testing to the recipients listed in Paragraph 117 of the Consent Decree.

If there are any questions please contact Jack Garrity at (520) 356-3284.



Joseph A. Wilhelm
General Manager
Hayden Operations

for JAW:Johann

JAW/rcg

pc: S. Gasser, w/o enc.
J. Garrity, w/enc.
SM Engineer, "